

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7997

BILL NUMBER: SB 448

DATE PREPARED: May 1, 2001

BILL AMENDED: Apr 29, 2001

SUBJECT: Address Confidentiality Program.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill establishes an address confidentiality program in the Office of the Attorney General. The bill makes the program available to individuals (including minors and incapacitated persons represented by a parent or guardian) who have obtained a protective order to protect them from domestic violence and wish to keep their addresses confidential from their abusers. The bill prescribes guidelines for the administration of the program. The bill provides that an address designated by the Office of the Attorney General serves as the individual's address for purposes of: (1) service of process; and (2) receipt of mail. The bill enables the individual to vote without making the individual's address available to the public. The bill requires the address of the individual who participates in the program to remain confidential except under certain circumstances. The bill specifies that an individual who provides false or incorrect information on a program application commits perjury. The bill requires the Office of the Attorney General to designate certain agencies that provide services to victims of domestic violence to assist an individual who applies to the program. The bill creates an Address Confidentiality Fund to accept donations, grants, or appropriations.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) This bill requires the Office of the Attorney General to establish an Address Confidentiality Program (ACP) for individuals who are victims of domestic violence and want to keep their addresses confidential from their abusers.

Currently, at least seven states have address confidentiality programs for victims of domestic violence: California, Florida, Massachusetts, Nevada, New Jersey, Vermont, and Washington. The program is administered by the Secretary of State's Office in California, Nevada, Vermont, and Washington, the Attorney General's Office in Florida and Massachusetts, and the New Jersey Division on Women in New Jersey.

The nation's oldest ACP program began in 1991 in Washington. Participation in Washington's program is voluntary. The program's manager works closely with community-based service providers, domestic violence counselors, the prosecutor's office, and domestic violence shelters, to help to determine whether the program may be appropriate for a particular domestic violence victim. The individual is referred to the Secretary of State's Office where a statement is signed verifying that the person is a victim of domestic violence. Washington state reports that very little face-to-face contact with participants is necessary to administer the program effectively.

The Washington state program serves approximately 1,000 people and has an annual operating budget of approximately \$190,000. Washington state administers the program at an off-site secret location. The yearly budget includes funding for three full-time employees: a program manager, an administrative assistant, and a mail processor.

While it is not known how many people might register for such a program in Indiana, the Attorney General's Office estimates that the program could cost approximately \$75,000 annually. Included in this estimate are the costs associated with the hiring of an additional staff member and securing a mailing address.

This bill creates the Address Confidentiality Fund to be administered by the Attorney General. The fund would consist of gifts, grants, and appropriations made to the fund by the General Assembly. Any money in the fund would be used for the Address Confidentiality Program.

The funds and resources required for the Office of the Attorney General to administer the program could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. As of 1/04/2001, there were 34 vacancies within at the Office of the Attorney General. The Office reverted \$499,566 in FY 2000. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions. This bill does not contain an appropriation.

Penalty Provision: A person who provides false or incorrect information on the address confidentiality program application commits perjury, a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* A person who provides false or incorrect information on the address confidentiality program application commits perjury, a Class D felony. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails

prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Office of the Attorney General; Auditor's Office; Treasurer's Office; Department of Correction

Local Agencies Affected: Voter registration offices; Trial courts, local law enforcement agencies.

Information Sources: Sharon Rolman, Program Manager, Address Confidentiality Program, Office of the Secretary of State, Washington State, (360) 753-2972; State Personnel Report, 1/04/2001; Office of the Attorney General.